IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL SIDE JURISDICTION

WRIT PETITION NO.988 OF 2007

Mohini Shardanand Prasad ..Petitioner

vs

Mahanagar Telephone Nigam Ltd and ors ..Respondents

Petitioner in person present
Mr Prashant Sutar i/b S I Shah & Co for respondents

CORAM: SWATANTER KUMAR, C.J., &
S.C.DHARMADHIKARI, J.

Dated: 12th June 2007

P.C.:

Heard the petitioner who appears in person and the learned counsel for the respondents. While arguing the matter the learned counsel for the respondents placed on record a copy of communication dated 11.6.2007 stating that no salary is due to the petitioner and all pay and allowances have been cleared upto date. The copy of the said communication has been handed over to the petitioner in court today.

The petitioner submits that she has not been paid her salary for the months of September and October 2006. She further states that she has been harassed in her office and the order of transfer is

arbitrary.

The order of transfer shows that the petitioner has been transferred in the same building but in a different section. The transfer is essentially an incidence of service and the court would not interfere with any order of transfer unless and until the same was ex-facie arbitrary coupled with an element of mala fide. We are of the considered view that the order of transfer calls for no interference by this court and in any case at this stage.

However, the petitioner is hereby granted liberty to file representation to the respondents within one week from today stating what salary has not been paid to her despite communication dated 11.6.2007. Her request shall be considered by the competent authority and appropriate order shall be passed and communicated to the petitioner within 2 weeks thereafter. Her grievance of harassment in the office shall also be looked into by the competent authority. We direct the General Manager to pass appropriate order, despite the fact as to who is the disciplinary authority, in the case of the petitioner. The petitioner, at this stage, states that she has already submitted a detailed representation to the General Manager alongwith the documents annexed, which, we direct the General Manager (West

Zone) to consider and pass appropriate orders thereon.

The petitioner will join her duties today at 2 p.m. at the transferred post. Respondent No.4 Mr.G.K.Kulkarni, who is present in court assured the court that the petitioner will be posted in a section where other female members are working.

Petition is disposed of with the above directions. Copy of this order be given to the petitioner who appears in person.

CHIEF JUSTICE

S.C.DHARMADHIKARI, J.